

## **POST "Ethical Use of Force" Facilitator Guide**

(6/7/05)

### **Video Segments on DVD:**

#### **Supervisor Introduction (5:20)**

View this segment to see how to use the DVD-based video training program. Generally, for each training topic on the DVD there is a video segment (usually a scenario), an example of a typical line-up discussion for that video segment, and an evaluation of how that discussion went. Before you present a training topic, view all three of these selections on the DVD for that particular topic. Then show the scenario to your officers, and use the suggested discussion questions below, as well as your own, to facilitate the discussion.

#### **Officer Introduction (4:50)**

Show this segment to officers so they get an idea of how the training will work and why the topic is important.

#### **Legal and Judicious Use of Force**

Scenario: Ped Stop (1:30)

#### **Discussion Questions**

##### After first taser:

- A. Do you have valid reason for detention?
  - 1) Pedestrian violation gives authority for detention
- B. Is it reasonable to force a person to sit down?
  - 1) Factors: time of day, whether officer feels threatened, whether subject is a flight risk
- C. Was the use of the taser legal and within our policy?
  - 1) Department policy for tasers and when should it be used.
  - 2) Note: Officers may try to say that according to some policies the officers may be able to use a taser after/before they touched the suspect.
- D. Was the use of the taser necessary?
  - 1) Other options are: Tac Comm, calling for back-up, re-evaluate the situation that you may not need to force the suspect to sit down, could have them stand somewhere else to give the officer tactical advantage.

##### At end:

- E. Is suspect cooperative, does he pose a threat?
  - 1) Look at his actions, not what he is saying.
- F. Is the second taser legal AND necessary?
  - 1) What was the purpose, punishment and/or control.

## **Correlating Force Options with Resistance**

Scenario: Shirtless Subject (6:00)

### **Discussion Questions**

After sister is taken:

- A. Is deadly force justified and within our policy here, and, if yes, is it necessary?
  - 1) Could go either way

At end:

- B. At what point should you call for backup in this scenario?
  - 1) As soon as suspect's behavior was observed
- C. After OC and the baton, what other options are available and within our policy?
  - 1) Escalate, de-escalate or maintain
- D. Is de-escalation an obligation?
  - 1) Yes, when appropriate

## **Managing Emotions**

Scenario: Kicking Prisoner (3:30)

### **Discussion Questions**

After kick:

- A. What might have prevented the force used against the arrestee?
  - 1) Proper preparation and tactics
- B. Why did the officer kick the arrestee?
  - 1) Managing emotions
  - 2) Is the force used for control or punishment?

After lounge scene:

- C. What happened there?
  - 1) Need to notify supervisor of excessive force

At end:

- D. Why didn't he report the excessive use of force?
  - 1) The fork in the road
    - a) Didn't properly assess the cost of doing the wrong thing
    - b) Be prepared to pay the price for doing the right, yet unpopular, thing

## **Intervening to Prevent Excessive Force**

Scenario: Traffic Stop (1:30)

### **Discussion Questions**

At end:

- A. Is the arrest legal and within our policy?
  - 1) No, there was no probable cause for arrest
- B. Was it reasonable to handcuff him and put him in the car?
  - 1) No, because he wasn't posing a physical threat and he doesn't deserve to be deprived of his liberty at this point
- C. Did the cover officer do the right thing?
  - 1) intervention was proper
- D. Should cover officer have intervened sooner, and, if so, when and how?
  - 1) After control hold, probably not, because cover officer may have missed weapon, etc.
  - 2) After he questions partner would have been good time to intervene further (request supervisor, take suspect out of car himself, etc.)
- E. If you're the cover officer, what would you say to your partner afterward?
  - 1) Depends on relationship between officers
- F. If the officer hasn't already talked to supervisor, should he report incident to his supervisor afterwards?
  - 1) Yes.
- G. When is intervention appropriate?
  - 1) Anytime someone's rights are being violated

## **Role of Training in the Ethical Use of Force**

Scenario: High Risk Traffic Stop (:40)

### **Discussion Questions**

At end:

- A. Why were the suspects confused?
  - 1) Importance of coordinated communication to involved parties
- B. Why did one of the officers run up?
  - 1) Importance of coordinated action, good communication between officers
  - 2) Awareness of stress overload, emotions
- C. Is there any benefit to leaving cover?
  - 1) Unnecessary escalation of incident (consequences of action)
- D. What could have prevented this?
  - 1) Better, more coordinated training
  - 2) Better preparation
  - 3) Better self-control
- E. What do the other officers do now?
  - 1) Safety considerations of leaving/not leaving cover to back up another officer

## **A Reverence for Life and Liberty**

Scenario: Man w/ Knife (1:40)

### **Discussion Questions**

After suspect holds knife to his throat:

- A. What options are available to the officers?
  - 1) Good: return to cover/ draw weapon, request backup, attempt to negotiate
  - 2) Bad: stand there & talk, continue to approach/use less lethal, use lethal force
    - a) Suspect taking aggressive action toward officers, forcing officers to use lethal force
    - b) Suspect taking aggressive action against himself
- B. At this point, is lethal force reasonable and necessary?
  - 1) No
- C. How do you decide whether use of force is reasonable and necessary and, if so, which type?
  - 1) Threat evaluation to officers; to suspect
  - 2) Distance-reaction time considerations
    - a) Cover and/or barrier considerations

After trainee asks if he should get the beanbag gun:

- D. What force level options are available within our policy?
  - 1) Depends on agency resources and policies
- E. What support units are available?
  - 1) Depends on agency resources and policies

After suspect starts advancing on them:

- F. If less lethal is in place, at what point would you deploy it?
  - 1) If he continues to advance and poses a potential threat
- G. If lethal force is the option, at what point do we employ it?
  - 1) If he poses an imminent deadly threat
- H. If less lethal is used, what else needs to be considered?
  - 1) Have a plan and contingency plan for after deploying less lethal
- I. What is the goal in this incident?
  - 1) Reverence for life of suspects and officers

## **Importance of Teamwork in Use of Force Incidents**

Scenario: Man w/ Knife continued (:45)

### **Discussion Questions**

After FTO briefs Sergeant:

- A. What other resources could we call on?
  - 1) Depends on agency resources and policies

At end:

- B. What would we do now?
  - 1) Depends on agency resources and policies
- C. How could proper teamwork lessen our probability of using lethal force?
  - 1) Reduces lag time and confusion, increased probability of success means less probability of using lethal force

## **Documenting Critical Information**

Video Segment: Interviews (11:30)

### **Discussion Questions**

At end:

- A. What forms of documentation are required at our agency?
  - 1) Agency specific
- B. What other types of documentation might be available?
  - 1) Could include: Photos asap (injuries or lack of them - suspect/officer; damage), audio recordings, in-car cams, witness statements, witness documentation (e.g., cell cams, camcorders), security cameras
- C. Why is documentation so important in cases involving use of force?
  - 1) Recollection for court testimony in criminal, civil and IA cases
- D. What specifically is meant when you discuss documenting a suspect's behavior?
  - 1) Use specific language describing suspect's actions and statements
  - 2) Can use previous scenarios as examples
- E. Why is it important to document why a certain use of force option was chosen or not chosen?
  - 1) Environmental and situational considerations indicate or limit certain use of force options
  - 2) Indicative of officer's thought process
  - 3) Helps show force was legal and necessary
- F. Can you be too detailed in documenting the use of force?
  - 1) No, but should be the right details
- G. Why should medical attention be included in officer's documentation?
  - 1) Demonstrates officer's concern for suspect's well-being
  - 2) Helps minimize potential liability (CYA)

## **Use of Lethal Force as an Option**

Video Segment: Interviews (9:30)

### **Discussion Questions**

At end:

- A. What is the definition of justified use of lethal force?
  - 1) Justification elements: Suspect has means, opportunity and intent to use lethal force against officer or another
- B. What is the definition of necessary use of lethal force?
  - 1) Absence of reasonable alternatives
- C. Give examples of where lethal force is justified but not necessary.
- D. What might an officer go through after using lethal force?
  - 1) Can include: psychological, physical, legal, financial, administrative, religious, peer, family, media issues
  - 2) If you can avoid a shooting, you need to

## **Wrap-Up (4:40)**

This segment ties together many of the themes of the DVD and reinforces the officer's motivation to do the right thing.